MYSORE ACT No. 13 OF 1966.

(First published in the Mysore Gazette dated the Twenty-first day of April 1966).

THE MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND WATER RATE) (AMENDMENT) ACT, 1966.

(Received the assent of the Governor on the Twelfth day of April 1966).

An Act further to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

Whereas it is expedient further to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957;

Be it enacted by the Mysore State Legislature in the Seventeenth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) (Amendment) Act, 1966.

(2) It shall be deemed to have come into force on the first day of September 1960.

2. *Amendment of section* 2.—In section 2 of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act 28 of 1957) (hereinafter referred to as the principal Act),—

(1) in clause (*ba*), for the words "basic contribution and special benefit contribution", the words "betterment contribution" shall be substituted;

(2) clauses (*fa*), (*fb*) and (*fc*) shall be omitted.

8. *Amendment of section* 3.—In section 3 of the principal Act,—

(1) in sub-section (1), for the words and figure "at the rates specified in section 4 in accordance with the provisions of this Act on land, which in the opinion of the prescribed officer, is benefited", the words "in accordance with the provisions of this Act from the landholder or the holder of any land which is benefited" shall be substituted;

(2) in sub-section (2), clauses (ii) and (iii) shall be omitted.

4. *Substitution of new section for section* 4.—For section 4 of the principal Act, the following section shall be substituted, namely :—

"4. *Amount of betterment contribution.*—(1) The amount of betterment contribution payable in respect of any land referred to in section 3 shall be an amount equal to one-half of the difference between the market value of such land before the date of commencement of the construction, restoration, expansion or alteration of the irrigation work and the market value after the date of completion of such construction, restoration, expansion or alteration :

Provided that the amount of betterment contribution payable in respect of any land shall not be more than three hundred rupees per acre :

Provided further that no betterment contribution shall be leviable in respect of any land,—

(i) which is unarable (Kharab); or

(ii) benefited by the construction, restoration, expansion or alteration of a tank, well, reservoir, anicut, bandhara, pond, spring pond, kunta, talaparige or madugu, which is not capable of irrigating more than one hundred acres of land ;

Provided also that for purposes of this sub-section, the increase in the market value of the land consequent upon any improvement of the land made by the landholder shall be excluded.

(2) As soon as may be, after the publication of a notification under sub-section (2) of section 3 in respect of any irrigation work, the Betterment Levy Officer shall prepare a statement showing the lands under the irrigable command of the irrigation work in respect of which the betterment contribution in accordance with the provisions of sub-section (1) is payable, and the nature and extent of irrigability of the different lands.

(3) The statement so prepared along with a public notice shall be published in the village chavadi and the taluk office and in such other manner as may be prescribed. Such notice shall require the landholders of lands under the irrigable command of the irrigation work to appear before the Betterment Levy Officer either personally or by agent at a time and place therein mentioned (such time not being earlier than one month from the date of publication of the notice), and to state—

(*a*) their objections,—

(i) to the inclusion of the lands in the statement as lands under the irrigable command of the irrigation work ;

(ii) to the inclusion of the lands in the statement as lands of any specified nature and extent of irrigability ; and

(*b*) in respect of payment of betterment contributions, the basis on which they claim that the amount of betterment contribution has to be computed.
Such statement shall be made in writing and signed by the party or his agent.

(4) The Betterment Levy Officer shall also serve notice to the same effect on the landholder of such land or his agent authorised to receive service on his behalf, who resides within the revenue district in which the land is situated. In case any landholder resides elsewhere and has no such agent, the notice shall be sent to him by registered post.

(5) On the date fixed under sub-section (3) or on such other date to which an inquiry may be adjourned, the Betterment Levy Officer shall, after holding a formal inquiry in the manner provided by the Mysore Land Revenue Act, 1964, and after giving an opportunity of being heard to every person who has made a statement under sub-section (3), make an order specifying—

(*a*) the increase in value of the lands by the completion of the construction, restoration, expansion or alteration of the irrigation work ;

(*b*) the amount of betterment contribution payable in respect of the said lands ; and

(*c*) the date from which such betterment contribution shall be payable.

(6) The Government or any person aggrieved by order made under sub-section (5) may, within sixty days from the date of the order, appeal to the Court of the Civil Judge having jurisdiction over the area in which the land is situated and the Court of the Civil Judge may pass such orders on the appeal as it may deem fit.

(7) Any order passed by the Court of the Civil Judge on an appeal preferred to it under sub-section (6) and subject to the orders aforesaid of the Court of the Civil Judge, the order of the Betterment Levy Officer under sub-section (5) shall be final, and shall not be liable to be questioned in any court of law."

5. *Amendment of section* 5.—In section 5 of the principal Act,—

(1) in sub-section (1), for the words " basic contribution ", the word " contribution " shall be substituted, and at the end of the sub-section, the following proviso shall be added, namely ;—

" Provided that no notice of demand shall be served on a landholder until an order made under sub-section (5) of section 4 becomes final " ;

(2) in sub-section (2), for the words " basic contribution ", the word " contribution " shall be substituted ;

(3) sub-section (3) shall be omitted.

6. *Amendment of section* 6.—In section 6 of the principal Act, for the words " basic contribution ", wherever they occur, the word " contribution " shall be substituted.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

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